A PLEA FOR THE Peoples Fundamentall Liberties and Parliaments.

Or, Eighteen QUESTIONS Questioned & Answered,

Which QUESTIONS were lately propounded by Mr. *Jeremy Jves*, pretending thereby to put the great Question between the Army and their dissenting Brethren in the PARLIAMENT of the Commonwealth of *England* out of question.

By Capt. WILLIAM BRAY.

Luke 3. 14. *And the Souldiers likewise demanded of him, saying, And what shall we do? And he said unto them, Do violence to no man, neither accuse any falsly, but be content with your wages.*

1 Cor. 11. 16. *But if ANY MAN seem to be contentious, we have no such Custome, neither the Churches of God.*

Entred according to Order.

LONDON,
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To the Reader.

I Have given my thoughts in anſwer to theſe enſuing 18 *Queſtions, that ſo I might give ſome ſatisfaction to thoſe doubts that may ariſe in the minds of divers good men, affected to their Countreys Rights, and ſafeties, in theſe times of great anxiety, dangers, and animoſities, one towards another, and that truth may take place, and all may endeavour to underſtand one the other, by a faithful approaching to, and aſſerting, their* Native *Rights, and may not be withdrawn from them upon any pretences whatſoever; without which ſtanding for their Rights, there can be no true ground to expect Juſtice, Love, and Unity. It is true, Calamities in Nations do oftentimes fall out to be beſt diſcerned, when they are deſperate and moſt incurable; But however, though the difficultie be great, to amend a diſtracted Nation, yet it is all our duties to extend our endeavours to ſave our Countrey, and leave the ſucceſs to the Almighty; and in ſo doing, the diſcharge of a good Conſcience will afford great Comfort, what ſoever may fall out in this uncertain and tranſitory Life.*

W. B.

Eighteen Queſtions propounded by Mr. *Jeremy Ives*. Queſtioned and Anſwered, by Capt. *VVilliam Bray*.

Queſtion. I.

WHether a Free Parliament ought not by the Lawes and Cuſtomes of this Nation, to be choſen by the Generall Conſent of the People?

Anſwer I.

It is one of the ancient and known general deſcriptions of a free *PARLIAMENT*, according to the Laws, and Cuſtoms of this Nation to be elected by the general and free conſent of the People (who are not legally made uncapable) and when it comes to begin its Seſſion by the Ancient Law & Right of the Parliament a *PROCLAMATION* ought to be made in *VVeſtminſter*, That no man upon pain to looſe all that he hath, ſhall during the PARLIAMENT in *London*, *VVeſtminſter*, or the Suburbs weare any privy Coat of Plate, or go armed, or that Games, or other Plaies of men, women, or children, or any other Paſtimes or ſtrange news ſhould be uſed during the Parliament, and the Reaſon thereof was, that the High Court of Parliament ſhould not be thereby diſturbed, nor the Members thereof (which are to attend the arduous and urgent buſineſs of the Commonwealth) withdrawn; And it is generally known by thoſe whom it hath pleaſed God to ſave alive in our ſad inteſtine warrs, That the Parliament often declared themſelves to be highly affected, and diſpleaſed with the nature and manner of the late *KING CHARLES* his demanding of the Lord *Kimbolton*, and the five Members, Mr. *Pim*, *John Hampden*, *Denzil Hollis*, Eſqrs. Sir *Arthur Haſlerig* & Mr. *Strood* 5 *January* 1641, It was then Voted and Declared a high breach of the

Rights

Rights and Priviledges of *Parliament*, and inconſiſtent to the Liberty and Freedome thereof, and by a Declaration they did declare that the Kings Warlike manner therein was againſt the *Fundamentall LIBERTIES* of the *People*, and the RIGHTS of PARLIAMENT; And another part of Freedome in the Election of Parliaments is, That there ought to be no corrupt dealing to give money, *&c*: to be elected, becauſe it was to poyſon the Fountaine it ſelf (from whom ſhould proceed no Law contrary, but ſuitable to the Fundamentalls) Another principle Maxime and end why Parliaments are to be aſſembled, and ſit freely by the Fundamentall, and righteous, Conſtitution of *England*, is to redreſs grievances againſt corrupt and unjuſt Judges, and great or potent oppreſſors who have ſubverted the courſe of Law and Government, and deſtroyed the Peoples ordinary Legall remedyes. And no Parliament ought to be ended whileſt any Petition remaineth undiſcuſſed, or at leaſt to which a determinate anſwer is not made, as may be ſeen in the fourth part of the Lord *Cooks Inſtitutes*, treating of the high Court of PARLIAMENT.

Queſtion. II.

Whether a Parliament ſo choſen ought not to doe what they think beſt for the weale of the Nation that ſo chooſeth them without the interruption of any party upon any pretence whatſoever?

Anſwer. II.

It is the Right of the People for their *Parliament* to be choſen in full Freedome, and have alſo a free Seſſion (after a free Election) without interruption of any party, yet they are bound (as moſt *Incomparable Example* of Law, Juſtice and Right to the whole Nation, and Executive Miniſters whatſoever) by the Right unalterable Rule, the Fundamentall Lawes and Liberties of the People to do impartiall Juſtice and Right to every party, and not to conſider parties but the cauſe which wholly excludes an Arbitrary Power. And therefore upon full debate in full and free Parliament of the 42 *Ed.* 3. *cap.* 3. If any Statute ſhall be made againſt the Charter of our Liberties, it ſhall be voyd, as may be ſeen by the Lord *Cooks Inſtitutes*, the firſt part, his Commentary upon *Littleton*, *Lib.* 2. *cap.* 4. *Seſt.* 108. concerning which I have more fully treated in my late Plea for the Peoples good

Old

Old Cauſe, or the Fundamentall Lawes and Libertyes of *England* aſſerted, proved and acknowledged to be our Right, before the Conqueſt, and by above thirty Parliaments, and by the Declarations and Convictions of Conſcience or publique acknowledgements of the late *King Charles*, and by the Parliament and their Army in their ſeverall and particular ſtreights and differences, and in anſwer to Mr. *James Harrington* his CXX Politicall Aphoriſmes ſold by *Francis Smith* at the *Elephant* and *Caſtle* neer *Temple-Barr*, wherein you will (as I conceive) upon your taking into conſideration the Authors which I cite for my judgment) cleerly ſee; that Acts or Statutes of Parliament that have been againſt the common Lawes, (though upon glorious and ſpecious pretences) are called illegall and miſchievous Acts of Parliament, ſhaking the Fundamentall Law. And at a *Grand* Committee of the Parliament of the Commonwealth of *England* for the *Government*, *Sept.* 14. 1659. It was reſolved that the Supreame delegated Power reſiding in the Peoples Truſtees, is and ought to be limitted in the exerciſe thereof by ſome Fundamentalls not to be diſpenſed with or ſubjected to alteration.

Queſtion, III.

If any ſhall ſay a free Parliament ought not to be ſo elected, and ſo impowred; I demand then how they are a free Parliament in the ſenſe that the People of this Nation according to Law and Cuſtome, do underſtand a free Parliament?

Anſwer, III.

I conceive I have anſwered this in the firſt and ſecond anſwers; And I do further averr that a Parliament may be free in its election or originall being, and operations or exerciſe, and to and in the end of its Seſſion, yet they are bounded by the Fundamentall Lawes and Liberties of the Nation, and this doth not make them ever the more unfree, becauſe the Fundamentall Lawes doth limit the delegated power, and hinder them from doing that which is *ipſo jure* & *ipſo facto* Illegall in it ſelf, *viz*: To deſtroy the Fundamentall Lawes, which is the *ſalus populi*, *ſuprema lex*, and according to all which any Statute is to be made. And therefore Parliaments I conceive will hardly give you thanks in making their Authority & power to be greater then is deſireable, whereby to induce them to think they have no bounds, by which

Cogitation

Cogitation they may do Acts that may prove a ſnare unto them; And the people have no reaſon to thank you, for if there be no Fundamentalls, and a limitted Delegation in the Supreame Legiſlative power, they might feare ſome danger to themſelves in their Election of their Parliamentary Conſervators. But there being ſuch Righteous Fundamentalls, and the peoples Right to have Parliaments every year, or oftner, (if need be) the people need not fear Parliaments; but have much reaſon to love their *CONSTITUTION*.

Queſtion, IV.

If it ſhall be anſwered in the Affirmative that a free Parliament ought to be ſo choſen, and ſo impowred as aforeſaid, I demand as the Nation is now influenced by Prieſts, Lawyers, and Cavaliers, how the end of the good People can be anſwered by a Parliament ſo elected and impowred?

Anſwer, IV.

Although there may be danger in the having a free Parliament, conſidering our late inteſtine, civil Warrs, and animoſities, and ſo it doth behove thoſe that have been faithfull in the Cauſe of their Country, to ſeek, to ſave and defend themſelves from deſtruction and Violence, and our Enemies might tax us, as well as our own hearts condemne us, with careleſsneſs, and want of common ingenuity, if we ſhould not have reſpect to our juſt preſervation, yet conſider this hath been the pretence for very many years to avoyde our Rights, and it is the only way to continue perpetuall animoſities, and to manifeſt that we truſt not in the Lord our God at all. And beſides, conſider danger is no argument againſt Right. Upon this and the like ſuitable ſuggeſtions of yours, the people may be for ever deprived of their Fundamentall and auntient Lawes and Birthrights, as they were for a time by that Illegall miſchievous Acts of Parliament, with a flattering Preamble of 11 *H.*7. *cap.* 3. as that famous Lawyer the Lord *Cook* calls it in the fourth part of his Inſtitutes. The colours (to make an Act good, or ſeeme good if colours only can make an Act to be ſo) were as ſpecious as theſe which you have given, or can be made to extend unto, to juſtifie a force, or deny, or queſtion Right. The ſaid Illegal miſchievous Act was pretended to be made to avoyde divers miſchiefs.

1. To

1. To the displeasure of Almighty God.
2. To the great let of the Common Law.
3. The great let of the Wealth of the Land.

Which were (I averr) as great, (or far greater) pretences as to tell us of influenced Lawyers, Priests and Cavaliers; For our Fundamental established Lawes, are so excellent and good in themselves, that no artificial Rhetorique of influenced Lawyers, Priests, or Cavaliers, (your names of distinction) or indeed any other Faction as well as they you name, could yet ever subvert them, or raze them; and there may or can be given you a very great Catalogue (in convenient season) of the force of the Law, and the visible displeasure of God and good people, in very many Generations past, against such influenced persons, when by their acquired wit and interest they have done the Nation injury, in willful acts and endeavours to subvert the publick Fundamental Lawes; And I have read *Cassiodor* saith, *Jura publica, certissima sunt vitæ humanæ solatia; infirmorum auxilia, impiorum frana.* The Publick Laws are the most certain Comforts of humane life, they are the helps of the weak, and the Bridles of the Impious: Our Publick Fundamental Laws are the Bulwarks of our Nation in general, and of Families, and persons in particular; and if we can enjoy them, we have earthly happiness therein.

Question V.

If ever any Parliament could have answered the ends of the good people, I demand whether the last long Parliament were not once the most likely of any that went before them, or of any that can be expected to succeed them?

Answer V.

You need not publish a questioning or doubt of the ability of Parliaments to answer the ends of the good people for it doth too much tend to weaken & dissolve the peoples love, & affection to their own Right of Parliaments, & indeed the long Parliament were most likely in our late times, (for many Reasons) to answer the expectations of the good people, because of the Power invested in them by Act of Parliament, not to be dissolved unless by Act of Parliament, or adjourned, unless by themselves or their own Order; And further, because of those high and eminent

Eminent Obligations they had upon them of their Faith and Promiſes, and of their Declarations, and invitations to the people in the caſe of the original of the Warr which hath cauſed much blood ſhed & expenſe of Treaſure. And therefore ſithence you and others had Commiſſions from the remainder of them (who were a declared refined party by the excellent pretences, and by power of ſome influenceing Officers of the *Army*) your expectations were ſo much the more liklier and neerer to be anſwered you in a peacable way of ſubmiſſion & obedience, rather then a violent way of interruption. Unlawfull and determined Violence many times Cauſes ſad and lamentable facts againſt the Vertues of Juſtice, Temperance, Prudence and Fortitude, tending only to produce cares and feares innumerable, and only to leave place for great trouble and repentance, or the ſevere hand of God.

Queſtion VI.

Notwithſtanding the great hopes we had of them, Conſidering the good beginnings they made, and the faire opportunityes they had to perfect what they had begun, I demand whether the moſt Conſiderable of the good things they did (viz) the takeing away Kingſhip, and Peerage, and declaring this Nation *a free State, were not rather the fruits and effects of that force, which was put upon them, when the Army garbled them, then the Votes and Reſults of a free Parliament?*

Anſwer VI.

You take your opportunity to keep the *Parliament* of the Commonwealth of *England* out of their Right, ſuppoſing you are well backed by a great revolt or force. But yet you conſider they made good beginnings as well as alleadge and averr that they had faire opportunities. But whether you do fairly to queſtion whether the moſt conſiderable of the good things you cite and mention they did, were more the fruits and effects of a force of the *Army* then the Votes and Reſults of a free *Parliament*, I referr to the rational and unbiaſed, ſeeing no ſuch Reſult did ever yet proceed from themſelves; But yet by this method of yours, you acknowledge them friends to the Forcers, and you lay a ground (though I confeſs unwillingly by what appears) to invalid or weaken the *Acts* (as to any thing you declare and eſteem as

good) becauſe the Law of *England* is a great enemy to unlawful force, and violence; *Maxime paciſunt contraria vis & injuria*, Force and injury are contraries to peace, and it ſignifieth any thing that a man ſtriketh or hurteth withal, as the Lord *Cook* in the firſt part of his Inſtitutes his Commentaries upon *Littleton*. And you alſo by this your doubting, queſtioning, way, paſſe a cenſorious Judgment upon their minds and Conſciences; upon all the intrinſical conſiderations they moved in their publick affairs, and ſo you make your ſelf and others Examples, or Preſidents to deviſe and lay everlaſting methods of private diſcontent or change to this or any future *Parliament*, upon your and their own accuſations and Judgment.

Queſt. VII.

Whether the Parliament did not Act higheſt againſt the intereſt of the good People of this Nation when there was no force at all upon them?

Anſw. VII.

No good man, or a man of good and ſincere deſires, will (upon due conſideration and entring into the Cloſet of his heart) juſtifie any action in the Parliament againſt the Intereſt of the good people before the force was upon them: ſo the good people ought not to do wrong or injuſtice to thoſe whom they account evil, or worſe then themſelves; And it is very poſſible that any perſon or perſons, who remain alive, and were in *Parliament*, may ſee their error in any thing you can juſtly charge; But however Generals are no method of ſatisfaction or conviction to any perſon, or charges in Law or Equity, againſt any perſon, by a Fundamental Maxime and Rule of Law, and Reaſon. And the force being upon them, as you confeſs, and the pretended ground of the force uſed, being publickly declared to try whether things were ſo yea or no; if thoſe perſons that were the cauſe, and principle *Authors* of the force had pleaſed; and if there declared aims and zeal had been for good people, they had time to manifeſt themſelves by way of integrity to their pretences; But whether they did any thing legally in order thereunto, I appeal to God and the World. I forbear at preſent to cite particulars.

Queſt.

Queſt. VIII.

Whether there was not a time when the Army, and divers others, were accounted the great Aſſertors of their Countreys Liberties when they refuſed to comply with the Votes of the then Free and uninterrupted Parliament? ——— Col. *Rainsborough*, Lieut. Col. *John Lilburn*, Capt. *Bray*. Cornet *Joyce*, Cornet *Thomſon*, Mr. *Richard Overton*, Mr. *William Walwin*, *Thomas Prince*, *&c.*

Anſw. VIII.

You need not queſtion whether there was a time or not, when the Army or others, ſome of whom you are pleaſed particularly to name, were accounted Aſſertors of their Countries Liberties; But you ſhould have told particularly, in what they refuſed to comply with the then Free and uninterrupted *Parliament*; for it is a Maxime in Law, and approved Reaſon, *Doloſus verſatur in generalibus*, The crafty man lodges, and buſies himſelf in generalls, (they being vain and inſignificant) And peradventure, if they or any of them did not comply, it might have appeared adiſſent in ſuch thing or things as the whole *Parliament* may be well ſatisfied in their Non-compliance. And I queſtion not but divers of thoſe Non-compliers, (as you call them) continue to the faithful affectionate aſſerting thoſe principles, and malice it ſelf, cannot in any lawful way, or means blemiſh their integrity. But if you think that it is their temper, diſpoſition, or judgment, to refuſe to comply with the Votes of a Free and uninterrupted Parliament, I believe you are much miſtaken, unleſſe you take them in this Legal ſenſe, that they might be (in theſe times of diviſion and Faction) in their peaceable, legal, judgment, and in Conſcience, contrary to any thing that was particularly againſt the Fundamental Laws, Rights and Liberties of the People. And doubtleſs, or peradventure in the ſame ſenſe they were, and have been LAWFUL NON-COMPLYERS WITH THE ARMY ALSO. But I ſuppoſe, you are deceived by your own heart, if you think to make your ſelf a legall or warrantable Accuſer in this your apt opportunity,

and blaſt them if you could, with their Non-compliance as a Crime; For if in the daies of *MONARCHY* an *ACT* of *PARLIAMENT*, againſt the *Fundamental Lawes* and *Liberties*, is VOYD, and ſhall be held for an ERROR, and called a MISCHIEVOUS ILLEGAL ACT, and be comptrolled by the Peoples COMMON-LAWS, and *LIBERTIES*, as I conceive I have proved before: much more may Votes which are not drawn to an Act, and which may be changed or anulled, (upon clear conviction of Conſcience, and Reaſon, and underſtanding in a *Parliament* it ſelf (upon reviſing or reminding the Fundamental *Lawes* and *Liberties* before it comes to be Enacted) be conſcienſciouſly ſcrupled, or not complyed with, without a blemiſh; but rather juſtified as a *LAWFUL AND COMMENDABLE NON-COMPLIANCE*, both before God and man.

Queſt. IX

Whether there was not as much the hearts and ſpirits of all People, concurring to their interruption in 1653, *as ever was to their* Election?

Anſw. IX.

I ſuppoſe you preſume too highly, and too far to imagine that the hearts and ſpirits of all People did concurr to their Interruption, as ever to their Election. How can it be ſuppoſed you ſhould know the hearts and ſpirits of all people in this matter? Surely you have not converſed with all People that were at the Elections. They did never tell you their judgment, and acquaint you with their hearts and ſpirits, if you made any ſuch inquiſition in the matter. And if your meaning by the words all the people, muſt be taken for the *major* part of the people, or the *major* part of the Electors, thereby you would have every man take you according to your meaning, and not your ſaying; But however this General Charge doth not accuſe or concerne any perſons with any triumph, or concurrence of hearts or Spirits in the Fact, but your own, and thoſe that did, or you know did, concurr, it cannot reflect upon any other perſons. For there were many who had been faithful in the publique Cauſe, who received many

ny and great injuries, and oppreſſions, by means of the influence and Power of the then General *Crumwell*, &c. yet their hearts did not concur in that violent fact in 1653, not only for that unlawful violence is not good in it ſelf, but al ſo becauſe of the inevitable ill conſequences thereof, they foreſaw the ſad enſuing evils and dangers which took effect, and had its ſuitable courſe (agreeable to the Cauſe) after the year 1653. And ſo I ſhall conclude this my Anſwer with the ſaying of *Charron* in his Book of Wiſdom; *Male cunctat a minſtrat impetus.* Violence doth nothing well.

Queſtion X.

Whether thoſe men that laſt ſate were not rather admitted to ſerve the preſent Exigency (as the beſt expedient that then could be thought on) rather then out of conſciouſneſs to their juſt Authority as a Free Parliament?

Anſwer X.

If you and others were ingaged by termes in your Commiſſion, to be obedient to ſuch orders and directions as ſhould be given from the men that laſt ſate, you had then termed this your tenth Queſtion in apt words. And for their being admitted to ſerve a then preſent exigency, I could never find that it was any publiſhed end. And if it was a ſecret intention, only it was not a mutuall Compact, and ſo could not bind the publiquely invited. But by this you do inevitably and Conſequentially charge them that invited the Parliament of the Commonwealth of *England* (into poſſeſſion of their interrupted Seſſion) with *Hypocriſy*, as if they did not intend what they publiquely and manifeſtly pretended. And that you may ſee your Errour, and inconſideration by Declaration of the 6th of *April*, 1656. divers Officers of the Army declared a Commemoration of what they had ſolemnly before declared not without appeales to God; And they complained therein that thoſe which had been Enemies to that *FAMOUS LONG PARLIAMENT* had meetings and grew very inſolent, to offer affronts and aſſaults to the friends thereof; That the *FAMOUS ACTIONS* of the Parliament were vilified and evill ſpoken of, And of perſons dareing to ſpeak againſt the Authority of *PARLIAMENTS*, and to call their proceedings and ſuch as acte

acted in obedience to them illegall and unwarrantable, so that there was but a step (say they expresly) between the *PUBLICK CAUSE* and the *FUNERALL* thereof. And they bewailed their great failings and tutnings aside, and desired wherein they had backslidden to take shame to themselves. The 6th. of *May*, after, they invited the Members of the Long Parliament from the year 1648, that continued sitting till the 20th of *April* 1653. And therein they called to mind and declared That the Long Parliament were *EMINENT ASSERTORS* of the Good Old Cause, and had a *SPECIALL PRESENCE* of *GOD* with them, and were *SIGNALLY BLESSED* in that work, And they did judge it their *DUTY* to invite the said Members to the Exercise and discharge of the said *TRUST*. And they promised them that they should be ready in their places to yeeld them (as they said expresly did become them) their UTMOST ASSISTANCE to sit in SAFETIE as will appeare by their publique Declarations, not declaring and inviteing them to serve the then present Exigency, *&c*: as the best expedient, *&c*. And if they did not submitt to them as a free Parliament, Consider who made them unfree, or in any sort of Bondage or Servitude; And therefore they themselves that were any Cause or colour of diminution to their just Freedome have no Reason to make it any Argument or ground for any violent violation of their Liberty.

Question XI.

VVhether there did not remaine a Force upon them all the time of the last Session in as much as the greatest part of their Members were secluded?

Answer XI.

If the Force did remaine on them all the time of their last Session, you accuse the Forcers whom you seem to prerend to clear and justify; Consider who forced them? or who caused the Force to remaine? If the greatest part of the Members were secluded. Consider they did not seclude themselves; And Albeit it is mans duty in *G*enerall to deny to do that which is *malum in se* though under a force or terror & although in some Cases force may *excuse in some* measure, yet it is no argument that because one force was before acted, that therfore another

must

muſt be done, no more then a ſecond ſin ſhould be committed to juſtifie a precedent on. And therefore the Querent had been better to have urged this queſtion, or tendered this Caſe, and his Reaſons in a peaceable humble manner to the Parliament of the Commonwealth, from whom he had his Commiſſion in the time of their Seſſion then juſtify the preſent Caſe of the Confuſion and interruption.

Queſtion XII.

If all Force Fetters and Shekles had been taken of, and they had enjoyed the free and accuſtomed Power, and Priviledges of the Parliament of England, *I demand if ever Sir* George Booth *and Major Generall* Brown, *&c: had been voted* Traytors?

Anſwer XII.

You enter upon Judgement too farr and before your time, for you know not what the Parliament would have done if Force Fetters and Shekles had been taken of, if they had enjoyed the Free and accuſtomed Power and Priviledges of Parliament. I think you cannot divine. I may ſay in the judgement of Charity, Peradventure they might have entered into a Righteous and equall conſideration of things without reſpect of perſons as in the ſight of God and man. Therefore I ſuppoſe that place of Scripture, 7 *Matt.* 1. may be applyed to you in this matter, *Judge not, that ye be not judged.* And if you have any thing to ſay to thoſe Gentlemen you name, in a legall manner, or when the Law is open, and hath its legall free indifferent and impartiall Courſe, you may have the Liberty to accuſe, as they or any Engliſhman elſe ought to have the fulleſt liberty of defence, which the Righteous auntient Fundamentall Lawes and Liberties afford; And ſo I (who am not privy to their affaires) ſhall cloſe this Anſwer in defence of our Fundamentall Lawes and Rights, with the ſentences and wiſe ſayings of the Town Clerk of *Epheſus*, 19 *Acts* 38, 39, 40. againſt the confuſion and Uproare raiſed by *Demetrius*. *Wherefore if* Demetrius *& the craftsmen which are with him have a matter againſt any man, the Law is* ---- (or indeed ought to be) *open, or the Court dayes kept, and there are Deputies let them implade one another: But if ye inquire any thing concerning other matters, it ſhall be determined*

mined in a Lawful (or ordinary) *Assembly.* For we are in danger to *be called in question for this daies Uproare. there being no cause, whereby we may give an Account of the Concourse,* Verse 36. *Seeing these things cannot be spoken against. ye ought to be quiet, and to do nothing rashly.*

Quest. XIII.

And whereas it is objected, That by an Act made by King, Lords, and Commons, that 40 *of them should make a* Quorum, *and that they should not be dissolved till they dissolve themselves; and therefore being yet a* Quorum, *they are therefore a Free Parliament. I demand, Whether by this Argument those which the Army secluded when they came to* Hounsloe-Heath, *may not as well call themselves a Parliament, seeing they were a* Quorum, *and kept their places in the House, when the rest went away to the Army, and were as truly forced out then as these were afterwards; and whether this very Argument would not make them a Parliament, if another Interest should prevail to take off that Interruption. Again the intent of that Act was not that any* 40 *whom the Sword should separate from the rest should make a* Quorum, *but rather, if by degrees some should dye, and others by consent of the* Major *part should be Voted out as uncapable to sit, or that others should be absent by reason of any emergencies, that then and in such case* 40 *should make a* quorum; *and this is the Reason why a fixed number are appointed a* quorum *in all State Conventions; Therefore it remains, that the last Parliament were rather chosen and elected by the Army, in the capacity they stood since they were first garbled: then the Peoples Representatives, because the Army might have elected that number they forced out, as well as those they kept in, unto whom they might have subscribed obedience?*

Answ. XIII.

I shall only (in brief) answer to this Question, (grounded upon a supposed Objection, which you have heard or made) If there is an Act that 40 of them should make a *Quorum*, and that they should not be dissolved till they dissolve themselves; This Act did invest them

or any of them with a Legal Session against any illegal dissolution whatsoever, either by Army or any other. And the Law considers the Cause, the Common interest, and not parties, or Factions. I further inforce my answer (with submission) to the deep Judgment of a Sage, Honourable Person, upon his going to the Army, (*viz.*) by the Declaration of *William Lenthal* Esq. Speaker, *&c.* (in the Book of the Declarations of the Army, Printed by special Order, by one *Matthew Simmons* 27 *Sept.* 1647. pag. 107, 108. wherein is set forth particularly, the violent acts against him) He demonstrateth in expres termes That in 1647 *The Votes then passed were all null and void, being extorted by force and violence, That the omission of a circumstance or some formalities in the adjournment of the House (when through force and violence, it cannot sit in any sort as a Parliament) cannot be any prejudice to the future meetings and proceedings thereof, when it may sit, and meet again, as a Free Parliament, it being well known, that nothing can dissolve this Parliament but an Act of Parliament?*

Quest. XIII.

I demand then, how any can cry Hosanna *to the last Assembly, as to a just and Free Parliamentary Authority, and endeavour to restore them to the exercise thereof, upon that foot of account, unlesse they also endeavour to take off the first as well as the last interruption, which how safe that will be, I leave to the others to judge?*

Answ. XIIII.

To this, I only Answer, That when you did accept of a Commission from the last Assembly, or their Delegates, I suppose you cryed *Hosanna*, and not interrupt, or crucifie, crucifie them. But to conclude, this; I Judge any interruption, or seclusion of any party or parties, contrary to Justice or the Fundamental Laws of *England*, is void in Law, and destructive to Freedom, and layes a ground and method for animosities and perpetual Wars amongst the people, instead of love, quietnesse, and amendment of errours; And as for the latter part of your question, concerning the unsafeness to take of the first interruption, It is fit to be debated Legally and peaceably in a Parliamentary way; & that Justice be done in the case.

Queſt. XV.

If we ſhould aſſay to reſtore them upon a prudential account, then I quæry, what reaſon there is to believe ſuch a thing will be effected, unleſs they will recede from their Votes, or the Army ſubject unto them, which how they can do with ſafety to themſelves or the good people of this Land I leave others to judge?

Anſw. XV.

If you ſhould eſſay to reſtore them upon a Prudential account, you thereby would make your ſelf a Judge, ſo far as to put a limitation upon their Reſtitution, unleſſe your prudential intentions therein, did relate to the Juſtice of it requirable in the preſent caſe: ſo likewiſe to oblige them without doors, (if it could legally be) to recede from their own Votes, would continue an apparent force upon them; and ſo it would not be ſo valid, as if they ſhould after the interruption taken off, in a voluntary manner conſider and recede. And then if there be no taking of the force (which hinders their Seſſion) unleſſe they will recede from their Votes, this continues their Bondage, and that cannot be ſafe for the people, to have their *Parliaments* in fear, or under Force or ſervitude, no more ſafe then it can be lawful or honourable for *Parliaments* (the Supream Conſervators) to act above and contrary to the Righteous Fundamental, and unalterable, Laws and Liberties. But however the People do (I conceive) juſtly incline to have the face of a Civil Authority, rather then the Force of a Sword over them; which way of Force (in the Caſe) may produce innumerable evils, both at preſent and in future, peradventure greater then the chief Authors of this Force may either fore-ſee, or ought upon due conſideration to deſire or aim at; and it may not only produce evil., but hinder that good, which no good man but would deſire to be enjoyed; I mean our Fundamental Laws and Liberties.

Queſt. XVI.

If it ſhould be effected, and they ſhould come to the exerciſe of their Authority; I demand, what reaſon there is, to believe they will anſwer the ends of the good people of the Land?

Queſt.

Answ. XVI.

If it should be effected that they should be restored, there might be reason in the judgement of charity, to hope or believe that they will answer the ends of the good people of the land. It is possible they may enter into a mature grave and pious consideration of things. It is much to me that you should seem to have so great a prejudice to them, for why should you judge so of your friends, that they should not make a good ending of their Session, as well as acknowledge as you do in your 6th. Question that they made good beginnings? Can it be supposed or justly expected they would Vote a Period to their own Session, as they did, and yet resolve to go forth without giving a sweet smell and savour, and taking into consideration all the blood and treasure and their own promises and solemn obligations, I must confess if they should not take those things into consideration; for my own particular, I who am a Member of the oppressed people for about eleven years should have no remedy unless I should obtain Justice from another, and succeeding Honourable and just Councel of *Parliament*.

Quest. XVII.

If their restoring cannot in reason be thought practicable, and if practicable not profitable; why should we labour in the fire of contention to effect it?

Answ. XVII.

I know no reason why it cannot be thought practicable or profitable, or why it should be accounted a labouring in the fire of contention to effect it. You make the difficulty greater then it is; For do you think the obligations upon them are of so light a nature or of so little value that they will end their Session with dishonour? Or do you think the obligations that are upon the Army or the Officers thereof to the Parliament are of so little moment, as that they can be in this way (of the sword or fire of contention) evaded, and dispensed withal.

Queſt. XVIII.

If then this cannot be a Free Parliament *upon their re-admiſſion conſidering the force that remained upon them, and that moſt of the eminent good things they did were by force ſqueezed from them, and therefore in Law cannot be the free Repreſentatives of the People of* England. *I demand, whether ſome number of honeſt men choſen out to ſerve the preſent exigency, may not be as Lawful an Authority as they, and ſooner anſwer the deſire of all good people?*

Anſw. XVIII.

By any thing whatſoever I can ſee preſented from you of reaſon in the preſent caſe, *this Parliament* may be free if their interrption be laid aſide or the force diſcontinued, but if the force be upon them, their re-admiſſion (as you call it) may prove of little effect: And if your ſuppoſition be never ſo true, that moſt of the eminent good things you aver they did were by force ſqueezed from them, and therefore in Lawe you ſay cannot be the free Repreſentatives of the people of *England*, this is an Argument to take of the force. And beſides it doth not appear by any Act of their own confeſſion or publick Declaration, that moſt of the eminent good things you aver they did were by force ſpueezed from them. Peradventure they on the other hand will ſay they had done far greater good things then they did, if the force had not been upon them; and likewiſe paradventure they will ſay they had not done or conſented to ſuch Acts, which (in the judgement of divers good and conſciencious men even of deſtroyed or undone perſons and families) were evil and contrary to the Laws and Liberties. And as to the laſt part of your queſtion, what do you mean by ſome other number of honeſt men to ſerve a preſent exigency. If the Power by which an Election is created, is unlawful and uſurped, it would be voyd, erronious, or dangerous, both as to the Electors and Elected, and full of diſſatisfaction, in its being, introduce Innovations, and ſubvert our righteous Laws, and Liberties, for defence of which there hath been ſo much precious bloud-ſhed, and Treaſure conſumed; And further, whether you mean that number of honeſt men ſhould be a lawful FREE PARLIAMENT in its Election and

and Seſſion? I know not: you leave it in doubt. And whether that any number of honeſt men can, and will, hazard themſelves to ſerve an exigency, leaſt they ſhould be ſerved as others have been before, is queſtionable, not only becauſe of the unlawfulneſſe of the impoſition of thoſe your number of honeſt men (ſo called) upon us, but alſo becauſe of the inconſtancy of Judgment, &c. and motions in theſe publique affairs; For in ſome part of your Queſtions, you ſeem to be for a full and Free Parliament, Then in the 4th Queſtion you account it dangerous to have one, for fear of influenced Lawyers, Prieſts and Cavaliers: Then in your 10th Queſtion, you ſay or conclude ſtrongly, That the men who ſat laſt were rather admitted to ſerve a preſent exigency; which admittance (as you call it) was after the diſſolution of another Aſſembly before them. And why may not the other number of honeſt men, which you drive at be alſo admitted to ſerve an exigency, or a danger foreſeen? And where are our Laws and Liberties, Fundamental, uninterruptible, ancient and undoubted Rights all the while, the poſſeſſion of which would be a lawful means to repair the wrongs, and intollerable burthens of the oppreſſed, and diſcover who are the friends of publique Juſtice, Peace and Amity? Thus I have given my thoughts concerning theſe Queſtions, intendedly to manifeſt my affections: to the juſt LAWS and FREEDOMS of our Countrey to Truth, and right reaſon, (I hope) in ſober contrariety to raſh and illegal Violence, without unjuſt reſpect or diſreſpect to parties and Factions; And I do apprehend, at preſent I ſhall diſpleaſe none herein, except my particular enemies, who may rejoyce in my wrongs, or ſuch as are willful oppreſſors, and reſolved in their way.

W. B.

FINIS.

The Printer to the Reader.

Courteous Reader,

HAving received the Copy of this Book divers weeks ſince from the Author, I thought it neceſſary to informe thee, that it ſhould have been publiſhed the 22 of December laſt, it being a time more ſeaſonable then at preſent, and agreeable to the intentions of the Author; but was interrupted by ſome perſons, the Agents of the late Council of ſafety (ſo called) who preyed upon the written Copy, amongſt other Papers, then ready to be publiſhed in vindication of the preſent Parliament; and the Laws and Liberties of England.

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